

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tetsuo NAGANO et al.

Group Art Unit: 1797

Appln. No. : 10/531,664

(U.S. National Phase of PCT/JP2003/013179)

Examiner: Fritchman

I.A. Filed : October 15, 2003

Conf. No: 1923

For : REAGENTS FOR THE MEASUREMENT OF PEROXYNITRITES

**COVER LETTER SUBMITTING TERMINAL DISCLAIMER
UNDER 37 C.F.R. 41.33**

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are submitting a Terminal Disclaimer accompanied by payment of the fee for submission of a Terminal Disclaimer.

Applicants are filing the enclosed Terminal Disclaimer to advance prosecution of the application by removing the rejection of claims 2-3 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 7,378,282 (hereinafter "the '282 patent") as evidenced by US 2002/0182736 A1 to Aldini.

The Terminal Disclaimer is being filed merely to reduce issues on appeal. In this regard, during preparation of the Appeal Brief, it was noted that the '282 patent is not used in the other rejections, and that submission of the Terminal Disclaimer will remove the obviousness-type double patenting rejection based upon the '282 patent and therefore simplify issues for the Examiner and for the Board of Patent Appeals and Interferences when considering Applicants'

Appeal Brief which is being prepared for filing. Thus, entry of the Terminal Disclaimer after final rejection is appropriate.

The filing of the Terminal Disclaimer is being made without expressing agreement and/or acquiescence with the rejection of record. Thus, Applicants do not intend to make any representation as to whether the invention defined by any of the claims of either the above-identified application or the aforementioned patent would have been obvious in view of the other or whether an obvious-type double patenting rejection is appropriate if the enclosed Terminal Disclaimer were not filed.

Authorization is hereby provided to credit any overpayment or to charge any additional fee to Deposit Account No. 19-0089. Moreover, authorization is hereby provide to charge any required extension of time for maintaining the pendency of the application to Deposit Account No. 19-0089.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Tetsuo NAGANO et al.

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June 15, 2010
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